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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,479	10/16/2006	Taku Yamada	39645	9351
53054 7590 12/29/2008 PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108				
EXAMINER MAGLOIRE, VLADIMIR				
ART UNIT PAPER NUMBER 2617				
NOTIFICATION DATE DELIVERY MODE 12/29/2008 ELECTRONIC				

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/567,479

Applicant(s)

YAMADA ET AL.

Examiner

VLADIMIR MAGLOIRE

Art Unit

2617

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5 and 6 is/are rejected.
- 7) ☒ Claim(s) 4 and 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

Response to Arguments

1. Examiner acknowledges receipt of arguments and amended claims filed on 8/1/2008. Claims 6 and 7 have been added.
2. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection. **This action is made final.**

Allowable Subject Matter

3. Claim 4 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
4. Claim 7 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. The term "almost" in claim 1 is a relative term which renders the claim indefinite. The term "almost" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Appropriate correction is required.
6. The term "peculiar" in claim 2 is a relative term which renders the claim indefinite. The term "peculiar" is not defined by the claim, the specification does not

provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Appropriate correction is required.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 1-3, 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Juijve (US 2005/0157971 A1).

Consider claim 1, Juijve discloses a communication portable terminal device (see Juijve, fig. 1, paragraph [0003]), comprising: a light source (see Juijve, paragraph [0118], fig. 17 item 152), disposed in a housing (see Juijve, fig. 1 discloses the housing for the light guide); and a light guiding panel, disposed in the housing for guiding a light from the light source (see Juijve, paragraph [0118], discloses a light guiding panel), wherein the light guiding panel includes: a light transmitting member having an almost plate like shape (see Juijve, paragraph [0136], fig. 27, discloses a plate shaped light transmitter), wherein the light transmitting member: an incident portion on which the light emitted from the light source is incident (see Juijve, fig. 17), and provided on a back face of the light transmitting member (see Juijve, fig. 17), and an emitting portion from which the light transmitted from the light source is emitted (see Juijve, fig. 17, item 152), and provided on a front face of the light transmitting member

(see Juijve, fig. 17); and reflecting units and the light emitted from the light source and incident on the incident portion and guiding the light to the emitting portion (see Juijve, fig. 17), wherein the reflecting units comprise a first reflecting unit and a second reflecting unit (see Juijve, fig. 17 and paragraph [0118], discloses a top and bottom reflecting unit), Juijve does not specifically disclose wherein the first reflecting unit is provided on the front face of the light transmitting member and the second reflecting unit is provided on the back face of the light transmitting member, however, when considering paragraph [0123], where Juijve discloses and suggest different placement of the light source, one of ordinary skill in the art at the time of the invention would have easily changed the location of the light source such that the first reflecting unit is provided on the front face of the light transmitting member and the second reflecting unit is provided on the back face of the light transmitting member.

Consider claim 2, the communication portable terminal device according to claim 1, Juijve discloses wherein the second reflecting unit includes a reflecting print portion having a peculiar color in a high reflectance on the back face side of the light transmitting member (see Juijve, paragraph [0145]).

Consider claim 3, the communication portable terminal device according to claim 1, Juijve discloses wherein the incident portion is formed in a curved concave on the back face of the light transmitting member arranged just above the light source (see Juijve, fig. 21 item 203).

Consider claim 5, the communication portable terminal device according to claim 1, Juijve discloses wherein the housing comprises a foldable structure, and includes: an

upper housing having a liquid crystal display unit on an inner side surface thereof; and a lower housing having an operating key provided on an inner side surface thereof opposed to the inner side surface of the upper housing when the upper housing and the lower housing are set in a closing state, the lower housing being rotatably coupled to the upper housing through a hinge portion; and wherein the light guiding panel is disposed on an outer side face that is opposite to the inner side surface of the upper housing, and the emitting portion on the front face faces an outside (**see Juijve, fig. 2, paragraphs [0156]**).

Consider claim 6, the communication portable terminal device according to claim 1, Juijve discloses wherein the first reflecting member and the second reflecting member repetitively reflect the light emitted from the light source to propagate the light in the light transmitting member and to emit the light from the emitting portion (**see Juijve, fig. 17**).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VLADIMIR MAGLOIRE whose telephone number is (571)270-5144. The examiner can normally be reached on Monday to Thursday, 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on 571-272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

